

## "Perspectives of Sovereignty" | OSEU 6: Sovereignty & Treaties

Compelling Question	How has the definition of tribal sovereignty changed since 1803, and what are the impacts of these changes on the <i>Oceti Sakowin</i> concepts of land stewardship and sovereignty?		
Standards and Practices	<p>OSEUS 6.2: Describe how <i>Oceti Sakowin</i> land stewardship was impacted through the process of treaty making and land ownership (1532-1828)</p> <p>OSEUS 6.5: Demonstrate an understanding of how <i>Oceti Sakowin</i> tribal governments participate differently with state(s) and the federal government (historically to the present)</p> <p>SS 9-12. C.4.3: Summarize the constitutional principles of popular sovereignty, limited government, separation of powers, checks and balances, judicial review, and federalism</p> <p>SS 9-12.C.5.2: Identify ways of becoming a United States citizen including the keys steps in the naturalization process and recognize the intended and unintended consequences of this process</p>		
Staging the Question	<p>View former President George W. Bush defining tribal sovereignty:  <a href="https://www.youtube.com/watch?v=kdimK1onR4o">https://www.youtube.com/watch?v=kdimK1onR4o</a> Conduct a whole-class discussion on what are the elements of sovereignty? What are some characteristics of sovereign nations? What is the meaning of unilateral? What is the meaning of bilateral? Discuss ways in which someone can become a citizen (cover list at <a href="http://digital.library.okstate.edu/kappler/vol4/html_files/v4p1165.html">http://digital.library.okstate.edu/kappler/vol4/html_files/v4p1165.html</a>). Discuss the concept of land stewardship (e.g. conservation and preservation- e.g. picking sage correctly- cutting not pulling roots)</p> <p>Watch "They'll say, "I didn't know" by Jesse Taken Alive; followed by the three videos listed below (Stephanie Charging Eagle; Faith Spotted Eagle, Joseph Marshall III)  <a href="http://www.wolakotaproject.org/oseu-six-jesse-taken-alive-theyll-say-i-didnt-know/">http://www.wolakotaproject.org/oseu-six-jesse-taken-alive-theyll-say-i-didnt-know/</a></p>		
Supporting Question 1	Supporting Question 2	Supporting Question 3	
What did sovereignty look like for the <i>Oceti Sakowin</i> before European/American contact?	<p>How do the following treaties, acts, policies or court decisions affect the definition of tribal sovereignty and the <i>Oceti Sakowin</i> land base?</p> <p>1823 Justice Marshall decision Johnson v. M'Intosh</p> <p>Forced treaties: 1825 treaties w several bands; 1851; 1868 &amp; federal Act declaring no more treaties 1871</p> <p>Forced citizenship 1924</p> <p>Department of Justice Policy on Indian Sovereignty (July 1995)</p>	How has former President Clinton's executive order on government-to-government relations served to strengthen rights of tribal governments since 1994 (e.g. recent case, relationship with federal agencies such as National Park Service or Bureau of Land Management, etc.)	

Formative Performance Task	Formative Performance Task	Formative Performance Task
<p>Invite local <i>Oceti Sakowin</i> community member to take class on field trip to harvest sage in a manner that demonstrates <i>Oceti Sakowin</i> land stewardship.</p> <p>(locate and harvest sage or wild berries depending on season)</p> <p>Return to classroom and view John Truedell video “Crazy Horse”</p> <p>Describe your understanding of what tribal sovereignty was like before European/American contact in one to two paragraphs.</p>	<p>Divide class into four groups- each group will address one topic and instruct the class through a PowerPoint, or other presentation that answers the question for that topic</p> <p>Group 1: Indian Citizenship Act of 1924</p> <p>Group 2: Use the March 3, 1871 Act at and at least one of the following treaties in your answer: 1825, 1851 or 1868</p> <p>Group 3: Johnson v. M’Intosh 1823 United States Supreme Court case</p> <p>Group 4: Department of Justice/US Attorney General Janet Reno Statement regarding Indian Sovereignty, 1995</p>	<p>After reviewing the resources listed below, create a table, outline, PowerPoint or other type of presentation, outlining the federal consultation process between tribal governments and federal agencies or departments</p>
Featured Sources	Featured Sources	Featured Sources
<p>Video of John Trudell poem “Crazy Horse” as produced by James Cortez, Red Heart Productions</p> <p><a href="https://youtu.be/Ku8ga-krBe4">https://youtu.be/Ku8ga-krBe4</a></p>	<p>Stephanie Charging Eagle Interview in OSEU 6 on “The Impact of Forced Treaties” on Wolakota Project website</p> <p><a href="http://www.wolakotaproject.org/os-eu-six/oseu-six-interview-with-stephanie-charging-eagle/">http://www.wolakotaproject.org/os-eu-six/oseu-six-interview-with-stephanie-charging-eagle/</a></p> <p>Faith Spotted Eagle Interview Part 4 on Treaties on Wolakota Project website</p> <p><a href="http://www.wolakotaproject.org/os-eu-six/oseu-six-faith-spotted-eagle-part-4-treaties-and-the-us-constitution/">http://www.wolakotaproject.org/os-eu-six/oseu-six-faith-spotted-eagle-part-4-treaties-and-the-us-constitution/</a></p> <p>Joseph Marshall III on “Indian Law ‘Before and After’ “ on Wolakota Project website</p> <p><a href="http://www.wolakotaproject.org/os-eu-six-interview-with-joseph-marshall-iii/">http://www.wolakotaproject.org/os-eu-six-interview-with-joseph-marshall-iii/</a></p>	<p>President Clinton’s Memorandum 1995 at <a href="https://www.nps.gov/nagpra/AGENCIES/Clinton_Memorandum.htm">https://www.nps.gov/nagpra/AGENCIES/Clinton_Memorandum.htm</a></p> <p>President Clinton’s Executive Order at <a href="https://www.gpo.gov/fdsys/pkg/FR-2000-11-09/pdf/00-29003.pdf">https://www.gpo.gov/fdsys/pkg/FR-2000-11-09/pdf/00-29003.pdf</a></p> <p>President Obama’s Memorandum 2009 at 74 Fed. Reg. 57881</p> <p>BIA policy at <a href="http://www.bia.gov/cs/groups/public/documents/text/idc-002000.pdf">http://www.bia.gov/cs/groups/public/documents/text/idc-002000.pdf</a></p> <p>Article summarizing Federal Consultation requirements at <a href="http://apps.americanbar.org/buslaw/committees/CL121000pub/newsletter/201101/galanda.pdf">http://apps.americanbar.org/buslaw/committees/CL121000pub/newsletter/201101/galanda.pdf</a></p>

<div>Indian Citizenship Act of 1924 at <a href="http://digital.library.okstate.edu/kappler/vol4/html_files/v4p1165.html">http://digital.library.okstate.edu/kappler/vol4/html_files/v4p1165.html</a></div> <div>March 3, 1871 act ending tribal treaty powers after that date at: <a href="https://www.law.cornell.edu/uscode/text/25/71">https://www.law.cornell.edu/uscode/text/25/71</a></div> <div><i>Johnson v. M'Intosh</i>, 21 U.S. (8 Wheat.) 543 (1823) at <a href="https://www.law.cornell.edu/supremecourt/text/21/543">https://www.law.cornell.edu/supremecourt/text/21/543</a> ; and video summary at <a href="https://www.youtube.com/watch?v=xgLxZ-OdUnc">https://www.youtube.com/watch?v=xgLxZ-OdUnc</a></div> <div>US Attorney General &amp; Department of Justice policy on Indian Sovereignty 1995 at <a href="https://www.justice.gov/ag/attorney-general-june-1-1995-memorandum-indian-sovereignty">https://www.justice.gov/ag/attorney-general-june-1-1995-memorandum-indian-sovereignty</a></div> <div>Treaties: 1825 at <a href="http://digital.library.okstate.edu/kappler/Vol2/treaties/ogl0230.htm">http://digital.library.okstate.edu/kappler/Vol2/treaties/ogl0230.htm</a></div> <div>1851 at <a href="http://digital.library.okstate.edu/kappler/Vol2/treaties/sio0594.htm">http://digital.library.okstate.edu/kappler/Vol2/treaties/sio0594.htm</a></div> <div>1868 at <a href="http://digital.library.okstate.edu/kappler/Vol2/treaties/sio0998.htm">http://digital.library.okstate.edu/kappler/Vol2/treaties/sio0998.htm</a></div> <div>Map showing diminishment of territory over time: <a href="http://baltimorechronicle.com/2008/112108Lendman.html">http://baltimorechronicle.com/2008/112108Lendman.html</a></div> <div>Native Sun News article about recent Nebraska case at <a href="http://www.nsweekly.com/news/2016-06-01/Top_News/Judges_side_with_tribe_big_win_for_Pine_Ridge_Rese.html?print=1">http://www.nsweekly.com/news/2016-06-01/Top_News/Judges_side_with_tribe_big_win_for_Pine_Ridge_Rese.html?print=1</a></div>		
Summative Performance Task	Argument	Research and write a brief essay answering the following question: Why is tribal sovereignty sometimes referred to as “quasi-sovereignty”?
	Extension	Answer the following question: What are the consequences of the <i>Oceti Sakowin</i> being made United States citizens without their consent or knowledge?
Taking Informed Action	After review of the resources listed in Performance Task Three above, complete the “What If” worksheet attached	

## WORKSHEET - PERSPECTIVES OF SOVEREIGNTY LESSON

### WHAT IF.....

Say you are a tribal leader or lawyer, and one of the more intrusive federal agencies you have read about begins appraising an area located partially on your reservation and partially bordering your reservation. The proposed site contains lots of zeolite deposits (a rock used in gravel which often naturally shields uranium deposits), and the appraisal is being conducted (to determine whether to approve a private mining project of the zeolite. The agency clearly has the power to do so, authorized either by preemptive federal law, precedent, or both. You are unsure whether all of the appropriate federal agencies are aware of the project's application.

Using the resources you have recently reviewed, what steps would you recommend your tribe take?

How could you enforce the tribe's federal consultation rights to help your tribe?